

**BOARD OF ENVIRONMENTAL PROTECTION
Meeting Minutes**

January 18, 2007

A meeting of the Board of Environmental Protection was held on Thursday, January 18, 2007 at the Holiday Inn / Ground Round, Augusta, Maine. Virginia Plummer, Chair, called the meeting to order at 9:00 a.m. with the following individuals present:

Board: Nancy Anderson, Denis Culley, Elizabeth Ehrenfeld, M. Wing Goodale, Richard Gould, Donald Guimond, Ernest Hilton, Virginia Plummer, Matt Scott, and Nancy Ziegler

<u>Staff:</u>	Bureau of Air Quality	Jeffrey Crawford
	Bureau of Land and Water Quality	Jessica Damon
	Bureau of Land and Water Quality	Jennifer Cayer
	Bureau of Land and Water Quality	Robin Clukey
	Bureau of Land and Water Quality	James Cassida
	Office of the Commissioner	James E. Dusch

Others: David P. Littell, Commissioner
Carol Blasi, Assistant Attorney General
Cynthia S. Bertocci, BEP Executive Analyst
Terry Hanson, Administrative Assistant

(Meeting adjourned at approximately 3:00 p.m.)

I. DEPARTMENTAL

A. COMMISSIONER'S COMMENTS:

Department: Commissioner Littell confirmed appointments of individuals previously serving in acting capacity, specifically, Deb Garrett, as Deputy Commissioner and Mark Hyland as Director to the Bureau of Remediation and Waste Management. An additional appointment at the Department is former Legislator Scott Cowger, as Director of Outreach and Communication returns to the Department.

Legislative update to be provided at the next regular meeting

Budget: The Department does not anticipate any budget cuts this year as the Governor recently acknowledged that the natural resource agencies have taken dis-appropriate cuts in the past. The Department's land resource regulation division will have 4 new positions (2 in compliance and enforcement, 2 in licensing).

B. COMMENTS FROM BEP CHAIR

Matt Scott introduced the members of the Board and gave a brief explanation related to his decision to resign as chair. Mr. Scott introduced Virginia Plummer as the first lady chair appointed to the BEP complementing her leadership skills and articulating his support of her appointment.

Ms. Plummer thanked Mr. Scott for his service to the Board as chair and appreciated his early guidance through his demonstration of informed, fair and responsible public participation on all issues before the Board.

C. EXECUTIVE ANALYST COMMENTS: None

D. BOARD CALENDAR: Reviewed.

The Administrative Assistant noted for Board members that the pre-filed written testimony regarding the Kennebec River Eel and Fish Passage Petition has been distributed along with a replacement TMDL document related to the Androscoggin River Appeal matter.

E. DEPARTMENTAL ORDERS: Reviewed

F. EXECUTIVE SESSION: None

II CONSENT AGENDA ITEMS

Board voted (10-0-0-0) to approve consent agenda items 1, 2, 3, 4, 5, 6, and 7, as presented.

Board members Nancy Anderson, Denis Culley, Elizabeth Ehrenfeld, M. Wing Goodale, Richard Gould, Donald Guimond, Ernest Hilton, Virginia Plummer, Matt Scott and Nancy Ziegler voted to support the motion.

1. TOWN OF BAILEYVILLE, Baileyville – Administrative Consent Agreement and Enforcement Order (BLWQ - Water)
2. ADRIAN BROCHU, Kingfield – Administrative Consent Agreement and Enforcement Order (BLWQ – Land)
3. TOBA TARP INC d/b/a PRATT–ABBOTT CORP. d/b/a PRATT-ABBOTT CLEANERS, South Portland – Administrative Consent Agreement and Enforcement Order (BRWM)
4. DOUGLAS BROWN, Windham - Administrative Consent Agreement and Enforcement Order (BRWM)
5. ABATEMENT PROFESSIONALS CORP., Portland - Administrative Consent Agreement (BRWM)
6. ENPRO SERVICES OF MAINE INC, South Portland – Administrative Consent Agreement and Enforcement Order (BRWM)
7. INDUSTRIAL METAL RECYCLING INC, Augusta – Administrative Consent Agreement (OC)

III. Regular Agenda

1. CHAPTER 141 CONFORMITY OF GENERAL FEDERAL ACTIONS / AMENDMENT (post to public hearing)

Staff: Jeffrey Crawford, Bureau of Air Quality

The Board voted (10-0-0-0) on a motion to post amendments to Chapter 141 Conformity of General Federal Actions to public hearing on Thursday, March 1, 2007 and establish a deadline of March 11, 2007 for submittal of written public comment. The vote was taken pursuant to 38 M.R.S.A. Section 341-D, Section 585-A and Section 176(c)(4)(C) of the 1990 Clean Air Act Amendments.

Board members Nancy Anderson, Denis Culley, Elizabeth Ehrenfeld, M. Wing Goodale, Richard Gould, Donald Guimond, Ernest Hilton, Virginia Plummer, Matt Scott and Nancy Ziegler voted to support the motion.

2. DRAGON PRODUCTS // NRPA MINOR REVISION APPLICATION L-4152-TH-T-N (decision on BEP jurisdiction)

Staff: Cynthia Bertocci, BEP Executive Analyst

The Board voted (9-0-1-0) on a motion to take jurisdiction of the Dragon Products NRPA minor revision application L-4152-TH-T-N wetland impacts associated with the construction of the Clinker Pile leachate detention pond. The vote was taken pursuant to 38 M.R.S.A. Section 341-D(2) and 06-096 CMR Chapter 2, Rules Concerning the Processing of Applications and Other Matters.

Board members Nancy Anderson, Denis Culley, Elizabeth Ehrenfeld, M. Wing Goodale, Richard Gould, Donald Guimond, Ernest Hilton, Matt Scott and Nancy Ziegler voted to support the motion. Board member Virginia Plummer recused.

The Board voted (9-0-1-0) on a motion to continue the public hearing of Dragon Products Application for a solid waste facility limited to only those matters concerning the leachate detention pond modifications and associated wetland impacts.

Board members Nancy Anderson, Denis Culley, Elizabeth Ehrenfeld, M. Wing Goodale, Richard Gould, Donald Guimond, Ernest Hilton, Matt Scott and Nancy Ziegler voted to support the motion. Board member Virginia Plummer recused.

3. DOWNEAST LNG // ROBBINSTON L-23432-26-A-N and L-23432-TG-B-N (decision on BEP jurisdiction)

Staff: Jessica Damon, Bureau of Land and Water Quality

The Board voted (10-0-0-0) on a motion to assume jurisdiction of the applications of Downeast LNG for the construction of a liquefied natural gas terminal in Robbinston. Identified as L- 23432-26-A-N, L-23432-TG-B-N, A-00960-71-A-N and includes any 401 Water Quality Certification proceeding. The vote was taken pursuant to 38 M.R.S.A. Section 341-D(2) and 06-096 CMR Chapter 2 Rules Concerning the Processing of Applications and Other Administrative Matters.

Board members Nancy Anderson, Denis Culley, Elizabeth Ehrenfeld, M. Wing Goodale, Richard Gould, Donald Guimond, Ernest Hilton, Virginia Plummer, Matt Scott and Nancy Ziegler voted to support the motion.

4. BERNARD BEAL // COMMERCIAL WHARF EXPANSION RIVER (appeals by Christopher and Betsy Betts, Richard Deegan and Douglas and Brenda Dodge)

Staff: Robin Clukey, Bureau of Land and Water Quality

The Board voted (9-0-1-0) on a motion to deny the appeal submitted by Christopher and Betsy Betts, Richard Deegan and Douglas and Brenda Dodge and approve the draft proposed order as amended and affirm the commissioner's decision in Department Order L-21842-4C-C-N. The vote was taken pursuant to 38 M.R.S.A. Section 341-D(3), and 06-096 CMR Chapter 2.

Board members Nancy Anderson, Elizabeth Ehrenfeld, M. Wing Goodale, Richard Gould, Donald Guimond, Ernest Hilton, Virginia Plummer, Matt Scott and Nancy Ziegler voted to support the motion. Board member Denis Culley recused.

Board to reconvene at 1:00 for the following:

Informational Session: Briefing – Hazardous Waste Treatment, Storage or Disposal (TSD) Facilities and informational site visit of Central Maine Power TSD Facility // Augusta
Staff: Stacy Ladner, Bureau of Remediation and Waste Management
(no printed material provided)

Next Regular Board Meeting – Thursday, February 1, 2007 – Holiday Inn, Augusta